

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**JOSEPH HAGGINS and
LINDA SZYMORIAK-HAGINS
Individuals d/b/a
HIS AND HERS BEAUTY SPA**

Respondent

and

**Case Nos. 16-CA-028076
16-CA-062829**

**UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 455**

Charging Party

**MOTION TO TRANSFER AND CONTINUE CASES
BEFORE THE BOARD AND
MOTION FOR DEFAULT JUDGMENT**

COMES NOW Arturo A. Laurel, Counsel for the Acting General Counsel, in the above-styled and numbered cases, pursuant to Section 102.24 and 102.50 of the Board's Rules and Regulations, Series 8, as amended, and files this Motion to Transfer and Continue Cases Before the Board and Motion for Default Judgment.

In support of this Motion, Counsel for the Acting General Counsel offers the following:

I.

(a) On June 22, 2011,¹ the charge in Case 16-CA-28076 was filed by the Charging Party and a copy was served on Respondent by regular mail on June 23. Copies of the charge and service thereof are attached hereto as Exhibits 1 and 2, respectively.

¹ All dates herein refer to 2011, unless otherwise noted.

(b) On August 17, the charge in Case 16-CA-062829 was filed by the Charging Party and a copy was served on Respondent by regular mail on August 18. Copies of the charge and service thereof are attached hereto as Exhibits 3 and 4, respectively.

(c) On August 24, the first amended charge in Case 16-CA-028076 was filed by the Charging Party and a copy was served on Respondent by regular mail on August 25. Copies of the charge and service thereof are attached hereto as Exhibits 5 and 6, respectively.

2.

On December 29, the Regional Director of Region 16, pursuant to Section 102.15 of the Board's Rules and Regulations, Series 8, as amended, issued a Consolidated Complaint in Case Nos. 16-CA-28076 and 16-CA-062829. Said Consolidated Complaint was served on Respondent by certified mail on December 29. Pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, Series 8, as amended, the Consolidated Complaint requested that Respondent file an Answer on or before January 12, 2012. Copies of the Consolidated Complaint and service thereof are attached hereto as Exhibits 7 and 8, respectively.

3.

By a letter dated January 19, 2012, Counsel for the Acting General Counsel advised Respondent that it had failed to file an Answer to the Complaint referred to above in paragraph 2. The letter, with a copy of the Consolidated Complaint attached, further advised Respondent that a Motion for Default Judgment would be filed if Respondent

failed to file an Answer before the close of business on January 26, 2012. A copy of this letter is attached hereto as Exhibit 9.

4.

As of today's date (February 7, 2012), Respondent has failed and refused to file an Answer to the Consolidated Complaint.

5.

Based on Respondent's failure to file an Answer to the Consolidated Complaint in accordance with Sections 102.20 and 102.21 of the Board's Rules and Regulations, Series 8, as amended, Counsel for the General Counsel moves that the Board:

- (a) Grant Counsel for the Acting General Counsel's Motion to Transfer and Continue Case Before the Board and Motion for Default Judgment;
- (b) Find that all allegations of the Complaint are true;
- (c) Issue a Decision and Order finding Respondent's conduct in failing to timely provide information and decreasing pay for new hires from 56% to 50% violative of Section 8(a)(5) of the Act; and
- (d) Provide all relief requested by Counsel for the Acting General Counsel in the Consolidated Complaint and any further relief as the Board may deem to be appropriate in order to effectuate the policies and purposes of the Act.

DATED at Fort Worth, Texas, this 7th day of February 2012.



Arturo A. Laurel
Counsel for the Acting General Counsel
National Labor Relations Board
Region 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6178

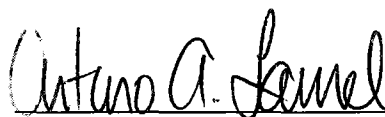
CERTIFICATE OF SERVICE

I hereby certify that on this date copies of the foregoing Motion To Transfer And Continue Cases Before The Board And Motion For Default Judgment dated February 7, 2012, were served by regular mail on the following parties.

JOSEPH HAGGINS and LINDA SZYMORIAK-HAGINS
Individuals d/b/a HIS AND HERS BEAUTY SPA
27404 Daniella Court
Harlingen, TX 78552-5441

Patrick Flynn
1225 North Loop W
Suite 1000
Houston, TX 77008-1775

DATED at Fort Worth, Texas, this 7th day of February 2012.



Arturo A. Laurel
Counsel for the Acting General Counsel
National Labor Relations Board
Region 16
819 Taylor Street, RM 8A24
Fort Worth, TX 76102-6178

RECEIVED

2012 FEB -9 AM 10:31

NLRD
ORDER SECTION

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
16-CA-28076	6-22-2011

INSTRUCTIONS

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer His & Hers Beauty Spa		b. Number of workers employed 5
c. Address (street, city, state, ZIP code) 630 Third St. W., Bldg 1073 Universal City, TX 78148	d. Employer Representative Linda Hagins, CEO	e. Telephone No. 210-995-5441 Fax No. Unknown
f. Type of Establishment (factory, mine, wholesaler, etc.) Service	g. Identify principal product or service Beauty Shop	

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about May 27, 2011, the above-named Employer has refused to furnish the Union relevant information for the purposes of collective bargaining.

By the above and other acts, the above-named employer has interfered with, restrained, or coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

United Food and Commercial Workers Local Union No. 455

4a. Address (street and number, city, state and ZIP code)

**121 North Point Dr
Houston, TX 77060**

4b. Telephone No.

281/820-0799

Fax No.

281/820-0798

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization).

United Food and Commercial Workers International Union

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

Patrick M. Flynn

Title **Attorney**

Signature of representative or person making charge **Patrick M. Flynn**

Address **1225 North Loop West, Suite 1000
Houston, TX 77008**

Telephone No.
713/861-6163

Fax No.
713-222-9114

Date
June 21, 2011

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT
(U.S. CODE, TITLE 18, SECTION 1001)

Exh. #1

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

His & Hers Beauty Spa

CASE 16-CA-28076

DATE OF MAILING
June 23, 2011

AFFIDAVIT OF SERVICE OF CHARGE

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled charge by postpaid mail upon the party listed below:

Linda Hagins, CEO
His & Hers Beauty Spa
630 Third St. W., Bldg. 1073
Universal City, TX 78148

Lisa M. Gonzales

Subscribed and sworn to before me

June 23, 2011

DESIGNATED AGENT

Cynthia Davis

NATIONAL LABOR RELATIONS BOARD

Exh #2

FORM NLRB-601
(2-09)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 45 U.S.C. 3512

DO NOT WRITE IN THIS SPACE	
Case 16-CA-062829	Date Filed 8/17/2011

INSTRUCTIONS

File an original with NLRB Regional Director for the region in which the alleged unfair labor practices occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Mis & Hers Beauty Spa	b. Number of workers employed 5	
c. Address (street, city, state, ZIP code) 630 Third St. W., Bldg 1668 Universal City, TX 78148	d. Employer Representative Linda and Joseph Hugins, CEO	e. Telephone No. 210-995-5441 Fax No.
f. Type of Establishment (factory, mine, wholesaler, etc.) Service	g. Identify principal product or service Beauty Shop	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past six months, and continuously thereafter, the above named Employer has failed and refused to bargain in good faith with UFCW Local 455 by making a unilateral change to employees' wages without affording the Union a meaningful opportunity to bargain.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Food and Commercial Workers Local Union No. 455		
4a. Address (street and number, city, state and ZIP code) 121 North Point Dr Houston, TX 77060	4b. Telephone No. 281-820-0799 Fax No. 281-820-0798	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Food and Commercial Workers International Union		
8. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
By <u>Patrick M. Flynn</u> Signature of representative or person signing charge	Attorney (Print type name and title or office, if any)	Date
Address 1225 North Loop west, Suite 1000 Houston, TX 77008	Telephone No. 713-861-6163	713-222-9114 15 August 2011

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT 16-2010-3099

Exh. #3

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HIS & HERS BEAUTY SPA

Charged Party

and

**UNITED FOOD AND COMMERCIAL
WORKERS LOCAL UNION NO. 455**

Charging Party

Case 16-CA-062829

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 18, 2011, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

LINDA HAGINS CEO
HIS & HERS BEAUTY SPA
630 3RD ST W
BLDG 1668
UNIVERSAL CITY, TX 78148-5616

August 18, 2011

Date

Cynthia Davis, Designated Agent of NLRB

Name

Cynthia Davis

Signature

Exh #4

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 16-CA-28076	Date Filed 8/24/2011

INSTRUCTIONS

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer His & Hers Beauty Spa		b. Number of workers employed 5	
c. Address (street, city, state, ZIP code) 630 Third St. W., Bldg 1668 Universal City, TX 78148		d. Employer Representative Linda and Joseph Hagins, CEO	e. Telephone No. 210-995-5441 Fax No.
f. Type of Establishment (factory, mine, wholesaler, etc.) Service		g. Identify principal product or service Beauty Shop	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about May 27, 2011, the Employer delayed in furnishing the Union relevant information for the purposes of collective bargaining.			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Food and Commercial Workers Local Union No. 455			
4a. Address (street and number, city, state and ZIP code) 121 North Point Dr Houston, TX 77060		4b. Telephone No. 281-820-0799 Fax No. 281-820-0798	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Food and Commercial Workers International Union			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.			
By <u>Peter M. Flynn</u> Signature of representative or person signing charge		Attorney (Print/type name and title or office, if any)	
Address 1225 North Loop west, Suite 1000 Houston, TX 77008		Telephone No. 713-861-6163	Fax No. 713-222-9114 Date 24 Aug. 2011

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT 16-2010-1999

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth

Exh. #5

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HIS & HERS BEAUTY SPA

Charged Party

and

**UNITED FOOD AND COMMERCIAL
WORKERS LOCAL UNION NO. 455**

Charging Party

Case 16-CA-028076

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on August 25, 2011, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

LINDA HAGINS, CEO
HIS & HERS BEAUTY SPA
630 3RD ST W, BLDG 1668
UNIVERSAL CITY, TX 78148-5616

August 25, 2011

Date

Eileen Huckabay, Designated Agent of
NLRB

Name



Signature

Exh. #6

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

**JOSEPH HAGINS and
LINDA P. SZYMORIAK-HAGINS
d/b/a
HIS AND HERS BEAUTY SPA**

Respondent

and

**Case Nos. 16-CA-28076
16-CA-062829**

**UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 455, affiliated with
UNITED FOOD AND COMMERCIAL WORKERS
INTERNATIONAL UNION**

Charging Party

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT AND
NOTICE OF HEARING**

United Food and Commercial Workers, Local 455, affiliated with United Food and Commercial Workers International Union, herein called the Union or Charging Party, has charged that Joseph Hagins and Linda P. Szymoriak-Hagins, d/b/a His and Hers Beauty Spa, herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151 et seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the Acting General Counsel, by the undersigned, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, **ORDERS** that these cases are consolidated. These cases having been consolidated, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's

Exh. #7

Rules and Regulations, issues this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing and alleges as follows:

1.

(a) On June 22, 2011, the charge in Case 16-CA-28076 was filed by the Charging Party and a copy was served on Respondent by regular mail on June 23, 2011.

(b) On August 24, 2011, the first amended charge in Case 16-CA-28076 was filed by the Charging Party and a copy was served on Respondent by regular mail on August 25, 2011.

(c) On August 17, 2011, the charge in Case 16-CA-062829 was filed by the Charging Party and a copy was served on Respondent by regular mail on August 18, 2011.

2.

(a) On or about December 2008, Respondent assumed the business of Gino Morena Enterprises, herein called GME, by federal contract, and until November 18, 2011, has continued to operate the business of GME in basically unchanged form, and employed as a majority of its employees individuals who were previously employees of GME.

(b) Based on the operations described above in paragraph 2(a), Respondent has continued as the employing entity and is a successor to GME.

3.

At all material times, Cindy Boudloche has been designated by the bankruptcy court of the Southern District of Texas, Brownsville Division, as the standing trustee in Chapter 13 bankruptcy of Respondent, with full authority to exercise all powers

necessary to the administration of Respondent's business in relationship to resolution of the bankruptcy proceedings.

4.

(a) At all material times, Respondent has been owned by Joseph Hagins and Linda Szymoriak-Hagins, a sole proprietorship doing business as His and Hers Beauty Spa.

(b) At all material times, Respondent, a sole proprietorship, with a place of business at Randolph Air Force Base (AFB) in San Antonio, Texas, the only location involved herein, has been engaged in the business of providing beauty salon services to members of the armed forces and their dependents.

(c) During the 12-month period ending October 31, 2011, Respondent, in conducting its business operations described above in paragraph 4(b), provided services valued in excess of \$50,000 from its San Antonio, Texas facility to the federal government within the State of Texas.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5.

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

6.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the

meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Joseph Hagins	Owner/ Manager
Linda Szymoriak-Hagins	Owner/CEO

7.

The following employees of Respondent, herein called the Unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All beauticians employed at the Randolph Air Force Base Beauty Shop.

EXCLUDED: All other employees including base manager, guards and supervisors as defined in the National Labor Relations Act.

8.

(a) On or about December 2008, Respondent assumed a government contract subject to the provisions of the McNamara-O'Hara Service Contract Act (SCA), which was previously awarded to GME.

(b) Since December 2008 and at all material times, Respondent has continued to perform the services specified in the GME's contract in basically unchanged form, and employed employees previously employed by GME.

(c) Based on the operations described above in paragraph 8(a) and 8(b), at all material times Respondent was the employing entity and a successor to GME.

9.

Since December 2008, and at all material times, based on Section 9(a) of the Act, the Charging Party has been the exclusive collective-bargaining representative of the Unit

as described in paragraph 7.

10.

(a) On or about May 27, 2011, the Union, in writing, requested that Respondent furnish the Union with the following information:

- (i) all the employees working in the shop this year;
- (ii) their job classification;
- (iii) their commission rates;
- (iv) the amount paid for each pay period; and,
- (v) their dates of employment with Respondent.

(b) On or about August 2, 2011, Respondent supplied the information requested.

11.

The information requested by the Union, as described above in subparagraph 12(a) is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

12.

Since about May 27, 2011, Respondent has failed and refused to timely furnish the Union with the information requested by it as described above in paragraphs 10 and 11.

13.

On or about March 7 through November 18, 2011, Respondent changed employees' compensation by decreasing pay for new hires from 56% commission rate to 50% commission rate.

14.

The subjects set forth above in paragraph 13 relate to wages, hours and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

15.

Respondent engaged in the conduct described above in paragraph 13 and 14 without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct.

16.

By the conduct described above in paragraphs 10 through 15, Respondent has been failing and refusing to bargain collectively with the exclusive collective-bargaining representative of its employees within the meaning of Section 8(d) of the Act in violation of Section 8(a)(5) and (1) of the Act and affecting commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, Counsel for the Acting General Counsel seeks as a remedy for the unfair labor practices alleged in paragraphs 10 through 16, that Respondent be ordered to mail the Notice to its former employees.

WHEREFORE, as part of the remedy for the unfair labor practices alleged in paragraphs 13 through 16, the Acting General Counsel seeks an order requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and the taxes that would have been owed but for Respondent's unlawful actions.

The Acting General Counsel further seeks, as part of the remedy for the allegations in paragraphs 13 through 16, that Respondent be required to submit the appropriate documentation to the Social Security Administration so that when backpay is paid, it will be allocated to the appropriate periods.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before January 12, 2012 or postmarked on or before January 11, 2012**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. *To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions.* The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on March 19, 2012, at 9:00 a.m. at 615 East Houston Street, Suite 559, San Antonio, Texas 78205, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED at Fort Worth, Texas, this 29th day of December 2011.

A handwritten signature in cursive script, appearing to read "Martha Kinard", is written over a horizontal line.

**Martha Kinard, Regional Director
National Labor Relations Board, Region 16
Room 8A24, Federal Office Bldg.
819 Taylor Street
Fort Worth, TX 76102**

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

**JOSEPH HAGINS and LINDA P. SZYMORIAK-
HAGINS d/b/a HIS & HERS BEAUTY SPA**

Charged Party

and

**UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 455, AFFILIATED WITH
UNITED FOOD AND COMMERCIAL
WORKERS INTERNATIONAL UNION**

Charging Party

Cases 16-CA-028076 and 16-CA-062829

**AFFIDAVIT OF SERVICE OF ORDER CONSOLIDATING CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING**

I, the undersigned employee of the National Labor Relations Board, state under oath that on December 29, 2011, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

LINDA HAGINS, CEO
HIS & HERS BEAUTY SPA
630 3RD ST. W, BLDG 1668
UNIVERSAL CITY, TX 78148-5616

NICHOLAS W. CLARK, GENERAL COUNSEL
UNITED FOOD & COMMERCIAL WORKERS
INTERNATIONAL UNION, AFL-CIO, CLC
1775 K ST. NW STE. 620
WASHINGTON, DC 20006-1530

PATRICK M. FLYNN, ESQ.
PATRICK M. FLYNN, P.C.
1225 NORTH LOOP W, STE. 1000
HOUSTON, TX 77008-1775

CINDY BOUDLOCHE
CHAPTER 13 TRUSTEE
555 N. CARANCAHUA STE. 600
CORPUS CHRISTI, TX 78401-0823

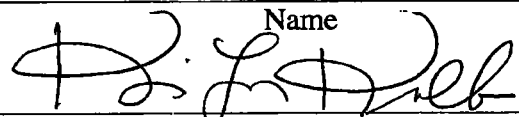
UNITED FOOD AND COMMERCIAL
WORKERS LOCAL UNION NO. 455
121 NORTHPOINT DR.
HOUSTON, TX 77060-3207

December 29, 2011

Date

Kari Kolb, Designated Agent of NLRB

Name



Signature

Exh. #8



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 16

819 Taylor Street - Room 8A24

Fort Worth, TX 76102-6178

January 19, 2012

VIA FIRST CLASS MAIL

Joseph and Linda P. Szymoriak-Hagins
27404 Daniella Court
Harlingen, TX 78552

Re: His & Hers Beauty Spa
16-CA-28076 and 16-CA-062829

Mr. and Mrs. Hagins:

On December 29, 2011, this office issued an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing in the above-referenced matter. Therein, you were advised that pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, you were required to file an Answer to said Complaint within 14 days from the service thereof. Moreover, you were advised on page 7 of the Complaint that the failure to file a timely answer may result in the Board finding, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true. As of today's date you have failed to file an Answer. I have enclosed a copy of the Complaint for your convenience.

Based on the preceding, please be advised that you will have until the close of business, on Thursday, January 26, 2012, to file your Answer in this matter. Your failure to file an Answer by this date will lead me to recommend to the Regional Director that the Region seek a default judgment in this matter based on your failure to file an Answer to the Complaint herein.

Should you have any questions regarding the foregoing, please do not hesitate to call the undersigned at 817/978-2172.

Sincerely,

Art Laurel
Field Attorney

Enclosure: Consolidated Complaint

Exh. #9

RECEIVED

2012 FEB -9 AM 10:30

HLRB
ORDER SECTION

UPS CampusShip: View/Print Label


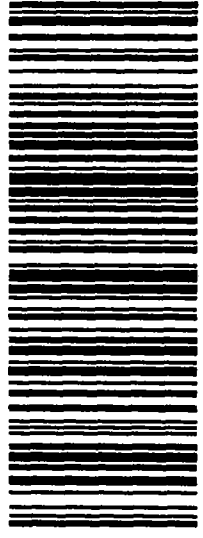

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed sheet containing the label at the line so that the entire shipping label is visible. Place the label on a single side of the package and cover it completely with clear plastic shipping tape. Do not cover any seams or closures on the package with the label.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**
UPS locations include the UPS Store®, UPS drop boxes, UPS customer centers, authorized retail outlets and UPS drivers.
 Find your closest UPS location at: www.ups.com/dropoff
 Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Customers with a Daily Pickup

Your driver will pickup your shipment(s) as usual.

FOLD HERE

RECEIVED
 2012 FEB -9 AM 10:32
 ORDER SECTION
 NLRD

2 LBS 1 OF 1 KARI KOLB NLRB-TX-KOLB 819 TAYLOR ST FORT WORTH TX 76102 SHIP TO: OFFICE OF THE EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD ROOM 11604 1099 14TH ST. NW WASHINGTON DC 20005-3402		MD 201 9-80 	2 UPS 2ND DAY AIR TRACKING #: 1Z A40 E73 02 9914 0069		 CS 14.0.25. WXP0270 24-04 01/2012 Department: Executive Secretary First Initial Last Name: T
BILLING: P/P					

NATIONAL LABOR RELATIONS BOARD 1099 14TH ST NW RM 11604 WASHINGTON DC 20005-3402	P: NINE S: BLUE L: 906 SCO-RDR 1ZA40E73029914 0069 1Z A40 E73 02 9914 0069 01/2012
---	---